

Catherine Cooney  
60 Chambers Street  
Manchester, CT 06040

**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

State of Connecticut  
Department of Public Health

vs.

Catherine Cooney, RN  
Registered Nurse License No. R30875  
respondent.

CASE PETITION NO. 990707-010-057

**MEMORANDUM OF DECISION**

***Procedural Background***

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated July 22, 1999 (Dept. Exhs. 1 and 4). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Catherine Cooney, RN (hereinafter "respondent") which would subject respondent's Registered Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges, and accompanying affidavits and reports, the Board found that the continued practice of nursing by respondent presented a clear and immediate danger to public health and safety. On August 18, 1999, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that the Registered Nurse license of respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 4.

The Board issued a Notice of Hearing dated August 18, 1999, scheduling a hearing for September 1, 1999. Dept. Exh. 4.

Respondent was provided notice of the hearing and charges against her. Department Exhibit 4 indicates that the Summary Suspension Order, Notice of Hearing and Statement of Charges were delivered by certified mail to respondent and respondent's attorney.

The hearing took place on September 1, 1999, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was present during the hearing and was represented by counsel. Transcript,, September 1, 1999, pp. 3-4.

During the hearing, respondent orally answered the Statement of Charges. Transcript,, September 1, 1999, pp. 8-10.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

#### *Findings of Fact*

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued Registered Nurse License Number R30875 on June 15, 1978. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 3; Transcript, September 1, 1999, pp. 8-9; Answer.
2. Pursuant to a Consent Order dated April 2, 1997, respondent's registered nurse license was placed on probation for a period of two years as a result of allegations of her diversion and abuse of the controlled substance Tylox while employed as a registered nurse at St. Francis Hospital and Medical Center Hartford, Connecticut. Dept. Exh. 5, pp. A9-18.
3. The Consent Order dated April 2, 1997, prohibited respondent from consuming alcohol during the period of probation of her registered nurse license. Dept. Exh. 5, A11.
4. Pursuant to a Consent Order dated July 15, 1998, the probation of respondent's registered nurse license was extended for a period of two years, and respondent was assessed a civil penalty of \$500.00. Said order was a result of respondent consuming alcohol in violation of the Consent Order dated April 2, 1997. Dept. Exh. 5, pp. A2-8.
5. Probation of respondent's registered nurse license required respondent to submit to random urine screening, the results of which were to be negative for the presence of drugs and alcohol. Dept. Exh. 5, p. A4.
6. On June 17, 1999 and June 25, 1999, respondent submitted urine specimens for alcohol/drug screening. The results of the testing indicate that both specimens were positive for the presence of the barbiturate Butalbital. Dept. Exh. 5, pp. A21-24.

*Conclusions of Law and Discussion*

In consideration of the above Findings of Fact, the following conclusions are rendered:

Catherine Cooney held a valid Registered Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

The Statement of Charges alleges that on June 17, 1999 and June 25, 1999, respondent tested positive for the barbiturate Butalbital.

Respondent does not contest this charge. Transcript,, September 1, 1999, p. 10.

It is further alleged that respondent, by testing positive for the barbiturate Butalbital, violated the terms probation as set forth in the Consent Order dated July 15, 1998.

Based on its findings, the Board concludes that the Department has met its burden of proof by a preponderance of the evidence presented in this matter. The Board concludes that respondent's conduct as alleged in the Statement of Charges constitutes a violation of probation of her registered nurse license as set forth in a Consent Order dated July 15, 1998. Therefore, respondent's registered nurse license is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

***Order***

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

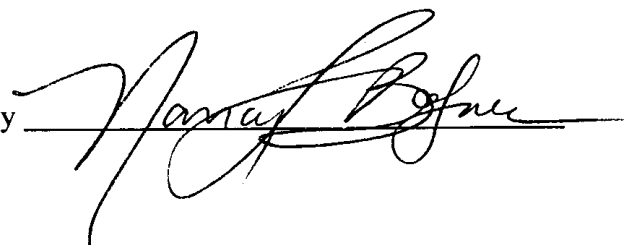
Respondent's registered nurse license, No. R30875, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs respondent, Catherine Cooney, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 17th day of November, 1999.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in black ink, appearing to read "Nancy Byrne", is written over a horizontal line.